

JAN 25 2006

S.B. NO. 2607

A BILL FOR AN ACT

RELATING TO TRANSFER OF APPEALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 602-58, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§602-58 Application for transfer to the supreme court.**

4 (a) The [~~intermediate appellate~~] supreme court, in the manner
5 and within the time provided by the rules of court, may
6 entertain an application [~~at any time before its issuance of a~~
7 ~~decision requesting~~] to transfer [of an appeal] any case within
8 the jurisdiction of the intermediate appellate court to the
9 supreme court[-] upon grounds that the case involves the
10 following:

11 (1) A question of imperative or fundamental public
12 importance;

13 (2) An appeal from a decision of any court or agency when
14 appeals are allowed by law:

15 (A) Invalidating an amendment to the state
16 constitution; or

17 (B) Determining a state statute, county ordinance, or
18 agency rule to be invalid on the grounds that it



1 was invalidly enacted or is unconstitutional, on
 2 its face or as applied, under either the
 3 constitution of the State or the United States;
 4 or

5 (3) A sentence of life imprisonment without the
 6 possibility of parole.

7 [~~(b) The moving party shall state the grounds of the~~
 8 ~~application, indicating how the case on appeal involves a~~
 9 ~~question of such imperative or fundamental public importance as~~
 10 ~~to warrant a direct appeal to the supreme court.~~

11 ~~(e)]~~ (b) The [issuance] grant or denial of [a certificate]
 12 an application for transfer [~~to the supreme court~~] shall be
 13 discretionary [~~upon the intermediate appellate court, and~~
 14 ~~acceptance or rejection of such certification shall be~~
 15 ~~discretionary upon the supreme court. Neither the failure to~~
 16 ~~issue such certification by the intermediate appellate court nor~~
 17 ~~the rejection of such certification by the supreme court] and
 18 shall not be subject to further review [~~and shall reinstate the~~
 19 ~~appeal to the intermediate appellate court]."~~~~

20 SECTION 2. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect on July 1, 2006.

2

INTRODUCED BY: 

By Request



Report Title:

Judicial Appeal; Transfer of Cases from ICA to Supreme Court

Description:

Authorizes the supreme court to entertain an application to transfer any case within the jurisdiction of the intermediate appellate court to the supreme court; specifies grounds for transfer.

